

EXHIBIT 4

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1 that your predecessor served?

2 A Well, I started in 1973, and this was 1970, so no  
3 less than three. How much less, I don't remember.

4 Q Can you give me a general sense of the kind of  
5 communication or the types of communications that go  
6 on between a departing bishop and an arriving bishop  
7 regarding the transfer of responsibilities within the  
8 ward?

9 MR. FREY: Could I ask for a  
10 clarification?

11 Are you talking about then or now?

12 MR. KOSNOFF: He can only testify as to  
13 his experience.

14 Q (By Mr. Kosnoff) If it changed in your later  
15 bishopric, perhaps you can point that out, but I'm  
16 trying to get a sense of is there a practice, is  
17 there a custom. How are the reigns transferred?

18 MR. FREY: I am going to object to the  
19 form of the question. It's indeterminate in time,  
20 but go ahead and answer.

21 THE WITNESS: Is there a protocol? I  
22 don't remember.

23 I can remember what might have taken place.

24 There would be a transfer of records, keys, the  
25 current mechanics in progress as far as the

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1 Q Did you have, for example, a discussion about how the  
2 Boy Scout program was operating and what changes need  
3 to be made there?

4 A I do not recall any.

5 Q Are there any protocols or practices that you recall  
6 involving communicating confidential, sensitive  
7 issues involving members of the ward?

8 A I don't remember a protocol for that.

9 Q Do you have any recollection of Bishop Borland  
10 telling you any sensitive or confidential information  
11 concerning any members of the ward?

12 A I do not.

13 Q When you became bishop, at that point had you been  
14 aware of there being any complaints of sexual  
15 misconduct with boys by Jack LoHolt?

16 A No.

17 Q Had you heard any rumors to that effect?

18 A No.

19 Q To your understanding what kind of a job was Jack  
20 LoHolt doing within the ward Scout program when you  
21 became bishop?

22 A A young men's secretary position is often given to a  
23 person who is-- who needs something to do.

24 Q And in that instance Jack LoHolt needed something to  
25 do?

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1 organization is concerned, nonconfidential items of  
2 concern.

3 Q (By Mr. Kosnoff) Now, I understand that the  
4 responsibilities of the bishop are great and  
5 multifaceted and include both administrative  
6 responsibilities and pastoral responsibilities.

7 Do you recall having discussions of an  
8 administrative nature with your predecessor, Bishop  
9 Borland?

10 MR. FREY: I am going to object to the  
11 form of the question.

12 THE WITNESS: And I'm not sure I  
13 understand the question.

14 Q (By Mr. Kosnoff) Well, you talked about keys,  
15 records. I'm assuming you're referring to things  
16 that had to do with the administrative operations of  
17 the ward.

18 A Yes.

19 Q Did it also involve discussions regarding personnel--  
20 strike that. Individuals in callings, positions, and  
21 offices under the purview of the bishop?

22 A It might have.

23 Q Do you have any specific recollection of any of those  
24 discussions?

25 A I do not.

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1 A I can't infer the second from the earlier, but that  
2 was a statement of fact of the position.

3 Q Okay.

4 A I don't recall how well Jack was doing or why he was  
5 put in the position.

6 Q He was already in that position when you became  
7 bishop?

8 A I don't recall that either.

9 Q At some point during the three years that you were  
10 bishop, did someone bring to your attention an  
11 allegation that Jack LoHolt was sexually molesting  
12 boys?

13 A In the specific, I have to say no to sexually  
14 molesting.

15 Q What about generally?

16 A In the general to sexually molesting, I have to say  
17 no.

18 Q Did you receive any information of any kind from any  
19 person that Jack LoHolt was allegedly engaging in  
20 sexually inappropriate activity?

21 A Yes.

22 Q From who whom did you learn that?

23 MR. FREY: I am going to object at this  
24 point in time.

25 Let me tell you the basis for the objection.

12 (Pages 42 to 45)

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<p>1 Mr. Frey's comments, you received a communication 2 from someone while you were bishop regarding an 3 allegation of sexual misconduct by Jack LoHolt; is 4 that correct?</p> <p>5 A That's correct.</p> <p>6 Q Was the person who communicated this to you a member 7 of the Mormon church?</p> <p>8 A Yes.</p> <p>9 Q Was this communication made to you in your capacity 10 as bishop?</p> <p>11 A I think so.</p> <p>12 Q Okay. Did it occur at, for example, the ward 13 building or your office?</p> <p>14 A I don't remember that.</p> <p>15 Q Okay. Was the person who communicated this to you, 16 in your view, making a statement of confession or 17 penitential contrition?</p> <p>18 A No.</p> <p>19 Q Under the doctrines and tenants of your faith, do you 20 believe that you are absolutely required to keep what 21 that person said to you confidential, and I mean that 22 you cannot repeat it to anyone?</p> <p>23 A No.</p> <p>24 Q Do you know the Harrison family?</p> <p>25 A I do.</p>	<p>1 confirm, I suppose, the name of a victim, then I'm 2 going to tell you you don't have to answer it.</p> <p>3 THE WITNESS: To my own understanding of 4 the question, the answer is no.</p> <p>5 Q (By Mr. Kosnoff) In October of 2003, did you get a 6 phone call from a woman that was asking you about 7 what you knew about Jack LoHolt?</p> <p>8 A I did.</p> <p>9 Q And did you tell her that Jack's problem came to your 10 awareness, "When some young boys came to me and told 11 me that Jack had been molesting them"?</p> <p>12 A I did not say that, to my knowledge.</p> <p>13 Q Did you tell that person that after talking with 14 those people, that you spoke with Jack LoHolt and his 15 parents?</p> <p>16 A This question was contingent on the prior one about 17 boys having spoken to me, and the answer to that one 18 is no, and therefore the answer to this one is no.</p> <p>19 May I take a moment with these gentlemen?</p> <p>20 Q Of course.</p> <p>21 Have you finished your last answer?</p> <p>22 A On that question, yes.</p> <p>23 (Recess 10:43 to 10:47 a.m.)</p> <p>24</p> <p>25 MR. FREY: We can go back on the record,</p>
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<p>1 Q Did a member of the Harrison family disclose to you 2 that Jack LoHolt had or was sexually molesting one or 3 more of their sons?</p> <p>4 MR. FREY: I am going to object to the 5 question and instruct the witness that he does not 6 have to answer it.</p> <p>7 THE WITNESS: I am going to say no.</p> <p>8 MR. KOSNOFF: I'm sorry, Tom, I missed 9 what you said. Did you say that you were instructing 10 him not to answer?</p> <p>11 MR. FREY: I instructed him not to 12 answer, but he already said "No."</p> <p>13 Q (By Mr. Kosnoff) You knew the Harrison family?</p> <p>14 A Yes.</p> <p>15 Q And as I recall, she was a member of the church but 16 Mr. Harrison was not?</p> <p>17 A That's as I recall.</p> <p>18 Q And they had three sons who were members of the 19 church?</p> <p>20 A I think so.</p> <p>21 Q Did any member of the Harrison family tell you that 22 Jack LoHolt was sexually molesting them?</p> <p>23 MR. FREY: If this is going to require 24 you to breach any confidential agreement or 25 understanding that you believe you have had and/or to</p>	<p>1 and the witness wants to clarify the answer is maybe 2 the best way to put it.</p> <p>3 Q (By Mr. Kosnoff) Dr. Coleman, do you want to clarify 4 an earlier answer?</p> <p>5 A If I may.</p> <p>6 With regard to an individual making me aware of 7 something that happened between her sons and Jack 8 LoHolt, the answer is yes, and the answer is that 9 there was an exposure.</p> <p>10 In my own mind, at least at the time, maybe not 11 now, that did not constitute abuse.</p> <p>12 That's why I gave "no" to those answers, but I 13 wanted you to be aware of what did happen.</p> <p>14 Q What was your understanding of what Jack LoHolt had 15 done, allegedly?</p> <p>16 A Exposed his private parts.</p> <p>17 Q To whom and where?</p> <p>18 A As I recall it--</p> <p>19 MR. FREY: I am going to again instruct 20 the witness not to say the names of who, but he can 21 say anything else.</p> <p>22 THE WITNESS: As I recall, two boys, as 23 I recall it, on an outing, which Jack frequently took 24 them, either fishing or camping-- he was a bit of a 25 replacement for an absentee father.</p>

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1 Q (By Mr. Kosnoff) In fact, Jack had become kind of a  
2 surrogate father to the boys in absence of their  
3 natural father?  
4 A That's calling for a judgment.  
5 Q Is that your understanding?  
6 A I think what I said earlier would be appropriate.  
7 Q But it was your understanding that Jack had been  
8 spending a lot of time with these boys?  
9 A I think so.  
10 Q When you received this information, were you  
11 concerned?  
12 A Indeed.  
13 Q Were you very concerned?  
14 A Indeed.  
15 Q Okay. Being very concerned, what did you do?  
16 A Spoke to Jack.  
17 Q Where did that conversation take place?  
18 A In the bishop's office.  
19 Q Did you call him in?  
20 A I did.  
21 Q What was said by Jack to you?  
22 A I don't recall the details, but he denied it.  
23 Q Jack denied that he'd engaged in the conduct?  
24 A He did.  
25 Q Did Jack acknowledge, however--

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1 that you had with Jack.  
2 A That would fall under the auspices of a privileged  
3 communication, yes, I think so.  
4 Q After you talked with Jack, did you talk with his  
5 parents?  
6 A I did.  
7 Q Where did that take place?  
8 A Bishop's office.  
9 Q Okay. What was said by the parents to you-- strike  
10 that.  
11 Did you tell the parents the information that you  
12 had regarding Jack's behavior?  
13 A I did.  
14 Q What was their reaction?  
15 A Disbelief.  
16 Q Okay. After that exchange, what did you do with this  
17 information?  
18 A We released Jack from his church callings, and I  
19 notified, as I recall, at least some key individuals  
20 who would need to know about it.  
21 Q And those were priesthood leaders?  
22 A My counselors. I remember specifically-- I can't  
23 honestly say I remember talking to the young men's  
24 president, but that might have been usual, and  
25 perhaps to the Scout master, but I don't remember

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1 MR. FREY: For the record, I want to  
2 make this clear because this is going to come up  
3 again.  
4 In those conversations where you're acting with  
5 your bishop's hat on and you're speaking to one of  
6 your people and it involves what could be classified  
7 as a transgression within the church, you do have the  
8 right not to disclose that information.  
9 On the other hand, I want you to be able to  
10 answer Counsel's question as best you can because he  
11 has a right to find out what we knew or didn't know  
12 or should have known.  
13 Q (By Mr. Kosnoff) I would add whether or not a  
14 privilege really applies really depends on the  
15 circumstances and the conduct and the intent of the  
16 parties.  
17 A I think in this context it would.  
18 Q The question of whether or not under the doctrine and  
19 beliefs of the Mormon church and the circumstances of  
20 this communication between you and Jack, is it your  
21 belief that this was a privileged communication  
22 between bishop and member?  
23 A May I make a statement?  
24 The information came to me other than Jack.  
25 Q I understand that, but I'm referring to the meeting

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1 that.  
2 Q Richard Pettit was one of your counselors, correct?  
3 A He was.  
4 Q And, in fact, you did tell Richard Pettit?  
5 A That's my recollection.  
6 Q What else did you do?  
7 A If I can digress for a moment, my role as a bishop  
8 was to serve everyone, including, if possible, Jack.  
9 During an era at that time where at least  
10 personally and I think rather generally there was  
11 little information about the recurrent nature or  
12 problem of a sexual offender and indeed little about  
13 how to deal with it in the social aspect, I continued  
14 to work privately with Jack to try to help him to be  
15 reconciled to Christ.  
16 Q Through your work with Jack to be reconciled with  
17 Christ, did you come away with a feeling that the  
18 problem had been adequately addressed?  
19 MR. FREY: In answering that question--  
20 THE WITNESS: I can't answer that. I  
21 can't say.  
22 Q (By Mr. Kosnoff) Did you do anything to investigate  
23 whether there may have been other incidents and other  
24 victims?  
25 A I want to say yes, but I frankly don't remember the

15 (Pages 54 to 57)